

## REMARKS

The claims have been amended for purposes of grammatical clarity, and have not been amended in order to limit the scope of the claims in view of the cited art. The art rejections are traversed as discussed below.

### Claim rejections 35 USC §102

Claims 1-8 are rejected over Hess '084, Hess '995 and/or Phillippou. The examiner asserts that the cited references anticipate the claims. The applicant respectfully traverses these rejections as follows:

#### Claim 1:

- Claim 1 is a product-by-process claim directed to a furan polymer impregnated wood. Hess does not disclose a furan polymer impregnated wood. Hess can therefore on its face not anticipate this claim.
- Phillippou does not disclose a furan polymer impregnated wood product having the physical characteristics of a product made according to the limitations of claim 1. In Phillippou, the furan polymer is used as an adhesive/bonding system, and not as an impregnating compound, and it is believed apparent to one skilled in the art that the wood product made according to the limitations of claim 1 would display novel physical characteristics of polymer distribution and loading not disclosed by the wood product of Phillipou.

#### Claim 3:

- Claim 3 is a method claim, containing the specific limitation of water as a solvent. Hess does not disclose this limitation.

- Claim 3 contains the specific limitation of the use of a stabilizing compound selected from a Markush group, said stabilizer allowing the initiated monomer to be soluble in water. Hess does not disclose any member of that Markush group as a stabilizer.
- Phillippou does not disclose an impregnating solution, but rather an adhesive. As such, Phillipou does not disclose the step of "impregnating" a piece of wood as claimed, nor a "curing step". According to MPEP §2111.01, the USPTO will interpret a claim term according to its plain meaning. Subparagraph III therein states:

"[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application."

One skilled in the art of wood impregnation would not regard the use of a polymer as an adhesive to be an "impregnation step". Such plain meaning is further supported by the use of the term "impregnation" from the specification of the current application. Furthermore, one skilled in the art would not read Phillipou as disclosing a curing step (and in particular the kiln drying steps of the dependent claims).

#### New claims 10 - 13

New claims 10-13 have been added, further limiting the Markush group from which the stabilizer is selected.

- As mentioned above, Hess does not disclose any member of the Markush group from claims 1 or 3, therefore Hess would not anticipate these dependent claims as well.
- Phillipou does not disclose a stabilizer from the Markush group of claims 10-13.

### Double patenting rejection

10/398,123 – applicant traverses the rejection

With respect to 10/398,123, the applicant traverses the double patenting rejection for the reasons expressed in the previous amendment filed 21 December, 2007, the contents of which are incorporated herein by reference. In summary, the impregnation solution of the current invention is diluted in water as a solvent, which is not the case with 10/398,123. As explained in the specification, an initiated impregnation compound as disclosed would not be soluble in water. The current invention therefore provides the novel and non-obvious use of specific stabilizers to make a catalyzed furfuryl alcohol impregnation solution that is soluble in water.

11/304,722 – applicant agrees to a terminal disclosure.

As discussed above, the impregnating method and the wood product of the current invention are believed both novel and non-obvious over 10/398,123, also known as “black”, in that the catalyzed furfuryl alcohol impregnation solution is made soluble in water. (thus enabling a wood product having significantly different load characteristics than “black”).

11/304, 722 also discloses an initiated furfuryl alcohol impregnation compound that is diluted in water as a solvent, albeit using different stabilizers than the current invention. While the applicant believes the choice of stabilizers from the current invention are not obvious over those from 11/304,722, in order to further prosecution the applicant willing to file a Terminal Disclaimer in the present application with respect to 11/304,722.